

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

WB MUSIC CORP., HULEX MUSIC,  
UNIVERSAL MUSIC CORPORATION,  
MEEENGYA MUSIC, BMG RIGHTS  
MANAGEMENT (US) L.L.C. dba BMG  
GOLD SONGS, and TONY FADD BEATS,

Plaintiffs,

vs.

JBCM HOLDINGS, L.L.C., JOHN BAILEY,  
AND CLIFFORD MCGEHEE,

Defendants.

Civil Action No.: 2:18-cv-00417-DCN

**COMPLAINT**

Plaintiffs, by their undersigned attorneys, allege:

1. This is a suit for copyright infringement under Title 17 of the United States Code.
2. This Court has jurisdiction pursuant to 28 U.S.C. § 1338(a), and venue in this District is proper pursuant to 28 U.S.C. § 1400(a).
3. Plaintiffs allege four (4) causes of action for copyright infringement based on the Defendants' public performances of Plaintiffs' copyrighted musical compositions. SCHEDULE A, annexed to the Complaint, sets forth in summary form the allegations hereinafter made with respect to the Plaintiffs, their copyrighted musical compositions, and Defendants' acts of infringement.

**THE PARTIES**

4. The Plaintiffs named in Column 2\* are the owners of the copyrights in the original musical compositions listed in Column 3, and are properly joined in this complaint under Rule 20 of the Federal Rules of Civil Procedure.

5. On information and belief, defendant JBCM Holdings, L.L.C. (“JBCM”) is a limited liability company organized under the laws of the State of South Carolina.

6. At all times hereinafter mentioned, JBCM did, and still does, own, control, manage, operate, and maintain a place of business for public entertainment, accommodation, amusement, and refreshment known as GoodFellas Cabaret (“GoodFellas”), located at 2028 Pittsburgh Avenue, Charleston, South Carolina 29405.

7. Musical compositions were and are publicly performed at GoodFellas.

8. On information and belief, defendant John Bailey (“Bailey”) is an individual with a place of residence in Charleston, South Carolina.

9. On information and belief, defendant Clifford McGehee (“McGehee” together with JBCM and Bailey, the “Defendants”) is an individual with a place of residence in Charleston, South Carolina.

10. At all times hereinafter mentioned, Bailey and McGehee were, and still are, managing members, officers, directors, and/or owners of JBCM.

11. At all times hereinafter mentioned, Bailey and McGehee were, and still are, responsible for the control, management, operation, and maintenance of the affairs of JBCM.

12. At all times hereinafter mentioned, Defendants jointly had, and still have, the right and ability to supervise and control the activities that take place at

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\* All references to “columns” herein refer to the numbered columns set forth in SCHEDULE A.

GoodFellas, including the right and ability to supervise and control the public performance of musical compositions at GoodFellas.

13. Each Defendant derives a direct financial benefit from the public performance of musical compositions at GoodFellas.

**FACTS SPECIFIC TO DEFENDANTS' INFRINGEMENT OF  
PLAINTIFFS' COPYRIGHTED MUSICAL COMPOSITIONS**

14. The Plaintiffs are all members of the American Society of Composers, Authors, and Publishers ("ASCAP"), a membership association that represents, licenses, and protects the public performance rights of its 625,000 songwriter, composer, and music publisher members.

15. Each ASCAP member grants to ASCAP a non-exclusive right to license the performing rights in that member's copyrighted musical compositions. On behalf of its members, ASCAP licenses public performances of its members' musical works, collects license fees associated with those performances, and distributes royalties to its members, less ASCAP's operating expenses.

16. Since December 2016, ASCAP representatives have made more than 30 attempts to contact the Defendants, or their representatives, agents, or employees, to offer an ASCAP license for GoodFellas. ASCAP's representatives have attempted to contact Defendants by mail, email, phone, and in person.

17. ASCAP's various communications put Defendants on notice that unlicensed performances of ASCAP's members' musical compositions at GoodFellas constitute copyright infringement of ASCAP's members' copyrights in their musical works.

18. Defendants have refused all of ASCAP's license offers for GoodFellas.

19. Notwithstanding the foregoing, Defendants have continued to present public performances of the copyrighted musical compositions of ASCAP members at GoodFellas, including the copyrighted works involved in this action, without permission,

during the hours that GoodFellas is open to the public for business and presenting musical entertainment.

20. The original musical compositions listed in Column 3 were created and written by the persons named in Column 4.

21. Each composition named was published on the dates stated in Column 5, and since the date of publication have been printed and published in strict conformity with Title 17 of the United States Code.

22. The Plaintiffs named in each cause of action, including their predecessors in interest, if any, complied in all respects with Title 17 of the United States Code, secured the exclusive rights and privileges in and to the copyright of each composition listed in Column 3, and received from the Register of Copyrights a Certificate of Registration, identified as set forth in Column 6.

24. On the dates specified in Column 7, Defendants infringed the copyright in each composition named in Column 3 by giving public performances of the compositions at GoodFellas, for the entertainment and amusement of the patrons; Defendants threaten to continue such infringing performances.

25. The public performances at GoodFellas of the Plaintiffs' copyrighted musical compositions on the dates specified in Column 7 were unauthorized: neither Defendants, nor any of the Defendants' agents, servants or employees, nor any performer was licensed by, or otherwise received permission from any Plaintiff, or any agent, servant, or employee of any Plaintiff, to give such performances.

26. In undertaking the conduct complained of in this action, Defendants knowingly and intentionally violated Plaintiffs' rights.

27. The many unauthorized performances at GoodFellas include the performances of the four copyrighted musical compositions upon which this action is based.

28. At the times of the acts of infringement complained of, the Plaintiff named in each cause of action was the owner of the copyright in the composition therein named.

29. The said wrongful acts of the Defendants have caused and are causing great injury to the Plaintiffs, which damage cannot be accurately computed, and unless this Court restrains the Defendants from the further commission of said acts, said Plaintiffs will suffer irreparable injury, for all of which the said Plaintiffs are without any adequate remedy at law.

WHEREFORE, Plaintiffs pray:

I. That Defendants and all persons acting under the direction, control, permission or authority of Defendants be enjoined and restrained permanently from publicly performing the aforementioned compositions -- or any of them -- and from causing or permitting the said compositions to be publicly performed at GoodFellas, or at any place owned, controlled, managed, or operated by Defendants, and from aiding or abetting the public performance of such compositions in any such place or otherwise.

II. That Defendants be decreed to pay such statutory damages as to the Court shall appear just, as specified in 17 U.S.C. § 504(c)(1), namely, not more than Thirty Thousand Dollars (\$30,000) nor less than Seven Hundred Fifty Dollars (\$750) in each cause of action herein.

III. That Defendants be decreed to pay the costs of this action and that a reasonable attorney's fee be allowed as part of the costs.

IV. For such other and further relief as may be just and equitable.

Respectfully submitted,

WYCHE, P.A.

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Greenville, South Carolina